

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ROBERT WHITE**

**PLAINTIFF**

**v.**

**No. 3:22CV46-DAS**

**CORE CIVIC CORPORATION, ET AL.**

**DEFENDANTS**

**ORDER *REINSTATING* DEFENDANTS JAMES BAKER,  
DAVID TURNER, AND RAPHAEL VERGARA  
IN THEIR INDIVIDUAL CAPACITIES**

This matter comes before the court, *sua sponte*, to correct the inadvertent dismissal of defendants James Baker<sup>1</sup>, David Turner, and Raphael Vergara<sup>2</sup> in their individual capacities, from this case. This case was filed in the United States District Court for the District of Vermont, where most of the proceedings to this point took place. The Order Adopting the Report and Recommendation in this case (which was filed in the District of Vermont) dismissed the plaintiff's claims for damages and injunctive relief against Baker, Turner, and Vergara (in their official capacities) and transferred the "remaining claims" to this court. Part of the remaining claims are those against defendants Baker, Turner, and Vergara in their *individual* capacities; however, the court inadvertently terminated Baker, Turner, and Vergara (individual capacities) upon receiving this case from the District of Vermont. As such, defendants James Baker (in his individual capacity), David

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<sup>1</sup> As Nicholas Deml succeeded James Baker as Commissioner of the Vermont Department of Corrections, he is automatically substituted for James Baker (former Commissioner) in his official capacity under Fed. R. Civ. P. 25(d). The court has used "James Baker" in the instant order for the sake of clarity.

<sup>2</sup> Similarly, as R. Byrd succeeded Raphael Vergara as Warden of the Tallahatchie County Correctional Facility, he is automatically substituted for Vergara (former Warden) in his official capacity under Fed. R. Civ. P. 25(d). The court has likewise used "Raphael Vergara" in the instant order.

Turner (in his individual capacity), and Raphael Vergara (in his individual capacity) are  
**REINSTATED** as defendants in this case.

**SO ORDERED**, this, the 2nd day of June, 2022.

/s/ David A. Sanders

DAVID A. SANDERS

UNITED STATES MAGISTRATE JUDGE